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 9 AC SQUARE, INC., AFSHIN GHANEH,  
 ANDREW BAHMANYAR

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

13 DANIEL KEATING-TRAYNOR on  
 14 behalf of himself and all others similarly  
 15 situated,

Plaintiff,

v.

16 AC SQUARE, INC.; COMCAST INC.;  
 17 AFSHIN GHANEH; ANDREW  
 18 BAHMANYAR; and DOES 1 THROUGH  
 19 60, inclusive,

Defendant.

Case Nos.: 08-cv-2907 MHP;  
 08-cv-3035 MHP

**[CALIFORNIA ACTION NO. CIV 464144  
 CONSOLIDATED BY ORDER OF  
 COURT WITH CIV 473571]**

**STIPULATION TO DISMISS FEDERAL  
 COURT ACTION CASE NO. 08-CV-2907  
 AND EXTEND TIME TO RESPOND TO  
 AMENDED CONSOLIDATED  
 COMPLAINT IN CASE NO. 08-CV-3035**

20 The parties, by and through their respective counsel, hereby stipulate and agree as follows:

21 1. On June 11, 2008, Plaintiff filed an action in Federal Court, Case No. 08-CV-  
 22 2907, containing two causes of action under the Fair Labor Standards Act.

23 2. On August 11, 2008, Plaintiff filed an Amended Consolidated Complaint in  
 24 Federal Court, Case No. 08-CV-3035, containing 11 causes of action, including the two causes of  
 25 action under the Fair Labor Standards Act in the previously filed action in Federal Court, Case No.  
 08-CV-2907.

26 3. Because the Amended Consolidated Complaint encompasses all of the causes  
 27 of action in the earlier filed action, Case No. 08-CV-2907, Plaintiff hereby agrees and stipulates to  
 28 dismiss the complaint in Case No. 08-CV-2907 with prejudice, based on stipulation of the parties,

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STIPULATION TO DISMISS CASE NO. 08-CV-2907 MHP AND EXTEND TIME TO RESPOND TO  
 PLAINTIFF'S AMENDED CONSOLIDATED COMPLAINT IN CASE NO. 08-CV-3035 MHP

pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

4. The parties stipulate that this dismissal of Case No. 08-CV-2907 shall have no effect on Plaintiff's right to pursue his claims, individually or as a putative class representative in any of the three actions already filed, including whether any of them remain in federal court or not and/or are or remain consolidated or not.

5. Pursuant to Local Rule 6-1(a), the parties hereby agree that Defendants' time to file responsive pleadings to Plaintiff's Amended Consolidated Complaint shall be extended until ten (10) days after the first case management conference to be held on September 15, 2008, or September 25, 2008.

6. All pending motions to dismiss will be heard on September 15, 2008, as set forth in the Court's August 15, 2008 Order.

Dated: August 21, 2008

/s/  
RONALD A. PETERS  
BENJAMIN EMMERT  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendants  
AC SQUARE, INC., AFSHIN GHANEH,  
ANDREW BAHMANYAR

Dated: August 21, 2008

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/s/

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1 Dated: August 21, 2008  
2

3 \_\_\_\_\_/s/  
4 DANIEL BERKO  
5 LAW OFFICE OF DANIEL BERKO  
6 Attorneys for Plaintiffs, DANIEL KEATING-  
7 TRAYNOR on behalf of himself and all others  
8 similarly situated

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STIPULATION TO DISMISS CASE NO. 08-CV-2907 MHP AND EXTEND TIME TO RESPOND TO  
PLAINTIFF'S AMENDED CONSOLIDATED COMPLAINT IN CASE NO. 08-CV-3035 MHP